



Please type a plus sign (+) inside this box → ☐

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

PTO/SB/21

OMB 0651-0031

IBJ

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	3	Application Number	10/507,059
		Filing Date	September 9, 2004
		First Named Inventor	Hoon-Choi et al.
		Group Art Unit	1615
		Examiner Name	Suezu Y. Ellis
		Attorney Docket Number	61169.00039 (O-2779)

ENCLOSURES (check all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached

<input checked="" type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)

<input type="checkbox"/> Extension of Time Request

<input type="checkbox"/> Express Abandonment Request

<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)

<input type="checkbox"/> Response to Missing Parts/ Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)

<input type="checkbox"/> Replacement Drawing Sheets – Figs. 1A – 4C

<input type="checkbox"/> Licensing-related Papers

<input type="checkbox"/> Petition

<input type="checkbox"/> Petition to Convert to a Provisional Application

<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address

<input type="checkbox"/> Terminal Disclaimer

<input type="checkbox"/> Request for Refund

<input type="checkbox"/> CD, Number of CD(s)
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC

<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences

<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

<input type="checkbox"/> Proprietary Information

<input type="checkbox"/> Status Letter

<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
- postcard |
|---|---|---|

Remarks:

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Montgomery, McCracken, Walker & Rhoads, LLP
Signature	<i>Evelyn H. McConathy</i>
Printed Name	Evelyn H. McConathy – 35,279
Date	April 30, 2008

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this paper, along with any documents referred to as being enclosed therewith, is being deposited with the United States Postal Service in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on date shown below:.

Typed or printed name	Tara M. Fromm
Signature	<i>Tara Fromm</i>
Date:	April 30, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Hoon-Choi et al.

Attorney Docket No: 61169.00039 (O-2779)

Application No.: 10/507,059

Group Art Unit: 1615

Filed: September 9, 2004

Examiner: Suez Y. Ellis

Title: Fibrous Composite for Tissue Engineering

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In Response to the Restriction Requirement mailed April 1, 2008, Applicants elect to prosecute the subject matter of Group I (claims 1-11 and 19-24), species 1.

Applicants traverse the Examiner's Restriction Requirement which separates the method of producing the bioactive fibrous composite material (Group 2; claims 12-18, 25 and 26) from the composite material itself and methods for its use (Group 1; claims 1-11 and 19-24). The nature of composition and the S:O₂ (silica in claim 12) content determines the characteristics of the resulting fibrous composition and its use as defined in the claims of Group I. Specifically the production of the composition and its S:O₂ content determines the thermal expansion coefficient and elastic modules of the glass (page 3). Thus, the fibrous composite material and its resorptive capability rely upon pore sizes that range between certain defined sizes and determined during the production of the material. Accordingly, the production of the composition is determinative of and directly relevant to the resulting composition and methods for its use, meaning that the claims should remain a single invention without Restriction.

Nevertheless, to be responsive Applicants elect to first prosecute the claims of Group I (claims 1-11 and 19-24). Further with regard to generic claim 11, Applicants elect species 1 regarding delivery of a drug or therapeutic composition in an animal. This election is made with the understanding that if the product claims are found allowable, process claims dependent

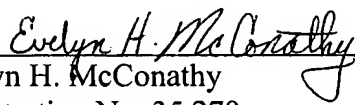
thereon, even if withdrawn, will be considered for rejoinder if they include the limitations of the allowable product claim.

If there are any additional fees in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-2424.

Should the Examiner have any questions or comments regarding Applicants' amendments or response, he is asked to contact Applicants' undersigned representative at (215) 772-7550. Please direct all correspondence to the address below.

Respectfully submitted,

Date: April 30, 2008


Evelyn H. McConathy
Registration No. 35,279
MONTGOMERY, McCRACKEN,
WALKER & RHOADS, LLP
123 South Broad Street
Philadelphia, PA 19109-1099
Tel: (215) 772.7550
Fax: (215) 772.7620

EHM:tmf
Enclosures